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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,997	05/14/2001	Scott T. Franson	VIK01 P-340	1188

28101 7590 08/12/2003

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EXAMINER

HWU, DAVIS D

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 08/12/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,997

Applicant(s)

FRANSON ET AL.

Examiner

Davis Hwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28, 30-34, 39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-11, 13-28 and 30-34 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 12, 39 and 40 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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R sponse to Amendment

1. Applicant's amendment of July 14, 2003 is acknowledged and entered as paper number 11.
2. Applicant's remarks have been fully considered but they are moot in view of the following new grounds of rejection.

Claim Rejections - 35 USC § 102

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson '289.

Johnson '289 shows a sprinkler head for a fire extinguishing system comprising:

- a sprinkler body 12 having an orifice defining an inlet 14 and an outlet 18;
- a body extension 30 attached to the sprinkler body and having an extending section extending below the outlet of the sprinkler body (see Figures 1 and 4);
- a retaining member 50 positioned below the outlet and within the body extension, the retaining member mounted to be movable relative to the body extension and sprinkler body;
- a deflector 22 movable between an activated position and a storage position within the body extension and having at least one support arm 40 projecting therefrom, the retaining member coupled to the at least one support arm at a fixed distance from the deflector, the support movably disposed within the body extension wherein the deflector and the retaining member are positioned within the body extension when in the storage position;

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- a sealing assembly 38 configured to sealingly engage the outlet of the sprinkler body, the sealing assembly movable from a closed position wherein the sprinkler head is inactive to an open position wherein the sprinkler head is activated (see Figures 1, 4, and 5); and
- a trigger assembly comprising parts 68 and 70 carried by the body extension and operably connected with the sealing assembly and deflector;
- wherein the deflector and the support arm are monolithic as recited in claim 2;
- wherein the retaining member 50 is captured by the extending section of the body extending when the sprinkler head is activated as recited in claim 3 since the retaining member is in constant contact with the extending section;
- wherein the extending section of the body extension is formed with an inwardly extending member 24 halting movement of the retaining member when the sprinkler is activated, the inwardly extending member being a annular rim as recited in claims 4 and 5.

Claim Rejections - 35 USC § 103

4. Claims 6, 12, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson '289.

Johnson '289 discloses the instant invention including the extending section being formed with an inwardly extending member 54. Johnson '289 does not disclose the at least one support arm having a generally larger shaped middle section and the body extension being generally cylindrical. It would have been an obvious matter of design choice to have made the middle section generally larger and the body extension

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generally cylindrical, since such modifications would involved a mere change in the size and shape of a component which are generally recognized as being within the level of ordinary skill in the art when there is no disclosure as to the criticality of such a modification.

Allowable Subject Matter

5. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 7-11, 13-28, and 30-34 are allowed.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is 703-305-1663. The examiner can normally be reached on M-F 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (703)308-2087. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9302 for regular communications and (703)872-9303 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0861.



Davis Hwu
August 8, 2003